IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 1055 of 2005

DATE OF DECISION : 9.11.2006

Jai Parkash

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr. SK Sud, Advocate for petitioner.

Mr.Harish Rathee,Sr.DAG, Haryana for respondents 1 &2

Mr.Jagdish Manchanda,Advocate for respnodent No.3

M.M.S.BEDI,J.

The prayer made by the petitioner in the instant writ petition is for partially quashing order of his regularisation dated 12.12.1996 (Annexure P-11) regularising him on the post of Tube-Well Operator Helper instead of Pump Operator/Assistant Pump Operator-cum-Meter Reader and issue a direction to the respondents to regualrise him as Pump Operator/ Assistant Pump Operator-cum-Meter Reader. In support of his submission, learned counsel has pointed out that the Improvement Trust, (defunct) Municipal Committee, Yamunanagar has passed a resolution in favour of the petitioner to regularise him on the post of Pump Operator/

Assistant Pump Operator-cum-Meter Reader as per order dated 15.3.1994 (Annexure P-5) but the aforementioned resolution was rescinded by the Government by exercising powers under Section 5 of the Punjab Improvement Trust Act,1922 (as applicable in the State of Haryana). It was only after rescinding of the resolution that vide Annexure P-11 the petitioner has been regularised on the post of Pump Operator Helper.

After hearing learned counsel for the parties,we are of the view that no relief of regularisation could be granted to the petitioner in view of the Constitution Bench judgment of Hon'ble the Supreme Court in the case of **Secretary, State of Karnataka v. Umadevi (2006)4 SCC 1.** We have already considered the various submissions at length in the case of **Rajinder Kumar v State of Haryana 2006(2) PLR 474** and find that the relief claimed cannot be granted. Accordingly, the writ petition fails and the same is dismissed.

(M.M.KUMAR)
JUDGE

November 9 ,2006 (M.M.S.BEDI)
TSM JUDGE